

REMARKS

Claims 1-10, 12, and 15-17 are pending. Claims 1, 7, 10, and 15-17 have been amended herein, for example, to reflect more proper grammar/punctuation. Moreover, claims 1 and 15-16 have been amended according to the suggestions by the Examiner. Support for the present amendments can be found, for example, throughout the specification. Upon entry of the present amendments, claims 1-15, 17, 19, and 20 will remain pending.

I. Claim Rejections under 35 U.S.C. of § 112

Claims 15-16 are rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking enablement. Although the Office concedes that the claims are enabled “for the treatment of obesity, bulimia, and extended abuse, addiction and/or relapse disorders,” (Office Action, page 1), the Office alleges that other indications recited in the claim are not enabled. Although Applicants believe claims 15-16 as originally filed (or previously presented) are sufficiently enabled, solely to advance prosecution, Applicants have amended claims 15-16 as suggested by the Office. In view of the current amendments, this rejection becomes moot.

Claim 1 is rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking enablement with respect to the term “ $-(CH_2)_r(phenyl)_s$ ”. In view of the current amendments as suggested by the Examiner, this rejection becomes moot. Applicants further respectfully point out that claim 16 also has been amended.

II. The Claims are Clear and Definite

Claims 1-9, 12, and 15-17 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctively claim the subject matter which applicant regards as the invention with respect to the term “ $-(CH_2)_r(phenyl)_s$ ”. In view of the current amendments as suggested by the Examiner, this rejection also becomes moot.

III. Nonstatutory Obviousness-Type Double Patenting Rejection

Claims 1-4, 12, and 15-17 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting allegedly as being unpatentable over claims 1, 6, 8, and 10-12 of copending U.S. Patent Appl. No. 10/560,862 (hereinafter “the ‘862 application”). Applicants

enclose herewith a terminal disclaimer with respect to the '862 application. In view of the foregoing, Applicants respectfully request withdrawal of this rejection.

IV. Allowable Subject Matter

Applicants note, with appreciation, that the Examiner has indicated the allowability of the pending claims if the above-mentioned rejections are overcome. Moreover, the Examiner has indicated that "[c]laim 10 is allowed" (Office Action, the last page of Detailed Action).

V. Conclusion

In view of the foregoing, Applicants respectfully submit that the pending claims are in condition for allowance. An early notice of the same is earnestly solicited. The Examiner is invited to contact Applicants' undersigned representative at (215) 981-4142 if there are any questions regarding the present application.

The Commissioner is hereby authorized to debit any fee due or credit any overpayment to deposit account 50-0436.

Respectfully submitted,

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